

HINGHAM PLANNING BOARD MINUTES

October 12, 2021 @ 7:00 PM

REMOTE MEETING

Planning Board Members Present Remotely: Kevin Ellis, Gary Tondorf-Dick, Judith Sneath, Gordon Carr, Rita Da Silva

Zoning Board of Appeals Members Present Remotely: Robyn Maguire, Paul Healey, Joseph Ruccio

Also Present: Emily Wentworth, Director of Community Planning; Michael Silveira, Land Use and Development Coordinator

Members Absent: None

At 7:01 p.m. Chair Ellis called the Planning Board meeting to order and stated the following:

“This meeting is being held remotely as an alternate means of public access pursuant to Chapter 20 of the Acts of 2021 temporarily amending certain provisions of the Open Meeting Law. You are hereby advised that this meeting and all communications during this meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law. If any participant wishes to record this meeting, please notify the chair at the start of the meeting in accordance with M.G.L. c. 30A, § 20(f) so that the chair may inform all other participants of said recording.”

Planning Board Chair Ellis noted that the Planning Board was joined by members of the Zoning Board of Appeals, who had called their meeting to order at 6:30 p.m.

Hearing(s)

Zoning Board of Appeals Chair Robyn Maguire stated that the next item on the Zoning Board of Appeals' agenda was an application of the Hingham Yacht Club (HYC) to modify plans approved in connection with a Special Permit A2 that was issued April 25, 1986 as amended under Section III-A 3.7 of the Zoning By-Law to replace an existing barn with a new 36 x 30 foot barn to store boats at 208 Downer Avenue in Residence District A.

Planning Board Chair Ellis stated that the first matter for the Planning Board was 208 Downer Avenue, Special Permit A2 modification and Site Plan Review under § I-I with waivers of particular submittal requirements under § I-I, 5. of the Zoning By-Law in connection with replacing an existing barn with a new two-story, boat storage barn at 208 Downer Avenue in Residence District A.

Attorney Nate Amendola stated he represented two of the abutters, Shawn O'Brien of 8 Merrill Street and Holly Rader, Trustee of 5 Merrill Street Realty Trust, a direct abutter. Attorney Amendola requested any current HYC members that sit on a board to recuse themselves from any deliberations.

There was a discussion about Planning Board Member Carr recusing himself. Mr. Carr stated that he would recuse himself.

Planning Board Member Sneath, Planning Board Chair Ellis and Planning Board Member Tondorf-Dick indicated that they disagreed with a member of the public telling Mr. Carr whether or not he was partial, and that he had followed the ethics code process in disclosing his membership previously.

Zoning Board Member Healey stated that Member Carr's reputation was impeccable.

Mr. Carr stated he would recuse himself to avoid causing any issues, but was disappointed in the request.

Mr. Chris Burns, Commodore of HYC and Mr. John Cavanaro of Cavanaro Consulting appeared on behalf of the applicant.

Mr. Burns gave background on the HYC and the goals of the project and stated neighbors had been invited to discuss the project. Mr. Burns stated that for full disclosure he had become aware that Holly Rader, a direct abutter, made a claim in Land Court for ownership by adverse possession that potentially impacts the setbacks for the project, but that the HYC has not been served.

Mr. Cavanaro provided updates and revisions to the plans since the last Planning Board meeting and discussed the original Special Permit A2. Mr. Cavanaro discussed the velocity zone constraints, decision to re-site the barn structure, how the Planning Board's original feedback was considered, landscape plan, abutter feedback, peer review feedback and his response.

Mr. Michael Whitmore presented the updated plans on the applicant's behalf, described the grading changes and the decrease in the height of the building. Discussed overall height, elevations, views from abutters and buffers.

Mr. Patrick Brennan of Amory Engineers, Town's Peer Review Engineer, discussed his letter and recommendations of October 8, 2021 regarding drainage, test pits, crushed stone diversion trench, discharge locations for pipes, sediment barrier erosion control, improvement to gravel pathway to second level, drainage calculations, foundation construction, temporary shoring up during construction and how the applicant had addressed his concerns.

Zoning Board of Appeals Chair Maguire opened asked for Board comments and questions.

Chair Ellis asked what waivers were still requested to which Mr. Cavanaro responded the lighting plan, utilities, traffic studies and cross-section of driveways and parking areas.

Member Healey asked about parking concerns brought up by the neighbors and whether the Building Commissioner had assessed the current parking. Ms. Wentworth stated she was not

aware that he had received any enforcement requests. Ms. Wentworth described available avenues for enforcement and that the applicant is currently in compliance with existing permits in terms of the minimum spots they were required to create.

There was discussion regarding existing and proposed parking areas, boat storage, and the retain rate of the slope at the rear of the building.

Chair Ellis asked the Planning Board for comments.

There was discussion regarding the site visit, tree screening, landscape plan, scale of the building, windows, railings, site and grading, parking on Marion Street, potential parking management plan during events, existing parking conditions, massing, distance from abutting properties, use of the barn, drainage standards, sea level, fit of structure within the area, two proposed additional parking spaces and proposed waivers.

Chair Maguire asked for public comment.

Mr. Michael Kranzley of 18 Marion Street discussed his concerns with, and there was discussion on the landscape drawings, change of the location of the building and parking during events.

Mr. James Raider, direct abutter to the HYC, stated he appreciated the steps taken thus far by Yacht Club but that he had concerns regarding the risk to mature trees and impacts to the coastal bank, geotechnical engineering and parking.

Mr. Cavanaro stated the Club has retained a geotechnical engineer and will provide shoring details as part of the building permit package.

Mr. Sean O'Brien, 8 Merrill Street, stated he was concerned with the overall size and height of the structure.

Mr. Kranzley stated he asked for the light pole to be marked at the max height of the building.

Mr. Raider stated that 7 neighbors expressed similar concerns with bank and trees and that he asked if the building could be shrunk to push away from coastal bank.

Chair Maguire and Chair Ellis stated the Boards would not likely be ready to vote during the hearing.

Ms. Sneath and Mr. Tondorf-Dick stated they supported closing the public comment portion of the hearing, continuing to another meeting for discussion regarding the SPR process and waivers.

There was discussion about upcoming meeting dates and decision deadlines. The applicant agreed to continue the hearings and extend the decision deadlines.

Planning Board Chair Ellis moved to continue the hearing on 208 Downer Avenue Special Permit A2 to the October 25, 2021 meeting of the Planning Board with a 7:00 pm start and to extend the decision deadline to November 15, 2021.

Second: Gary Tondorf-Dick

In Favor: Gary Tondorf-Dick, Judith Sneath, Rita Da Silva, Kevin Ellis

Opposed: None

Zoning Board Member Paul Healey moved to continue the hearing on 208 Downer Avenue to the November 16, 2021 meeting of the Zoning Board of Appeals at 7:00 p.m.

Second: Joseph Ruccio

In Favor: Paul Healey, Joseph Ruccio, Robin Maguire

Opposed: None

Chair Maguire stated the next Zoning Board of Appeals matter was the application of Nicole Storey for a Special Permit A2 under Section III-A 4.9B of the Zoning By-law and such other relief as necessary to allow for location of Bakery/Café in a 1000 square foot tenant space in an existing building at 84 North Street in the Business District A in the Downtown Hingham Business Overlay District.

Chair Ellis stated the next item was Nicole Storey's application for Special Permit A2 and Site Plan Review under §§ I-G and I-I and a Special Permit A3 Parking Determination under § V-A of the Zoning By-Law and such other relief as necessary to allow for the location of a Bakery/Café within an existing building at 84 North Street in Business District A and the Downtown Hingham Overlay District.

Chair Maguire stated she understood there was a request to withdraw the application without prejudice.

Zoning Board of Appeals Member Paul Healey moved to grant the requested withdrawal without prejudice.

Second: Joseph Ruccio

In Favor: Paul Healy, Joseph Ruccio, Robin Maguire

Opposed: None

Planning Board Chair Kevin Ellis moved to grant the requested withdrawal without prejudice of an application from Nicole Storey for Site Plan Review under §§ I-G and I-I and a Special Permit A3 Parking Determination under § V-A of the Zoning By-Law to allow the location of a Bakery/Café in a 1,000 SF tenant space within an existing building at 84 North Street in Business District A and the Downtown Hingham Overlay District.

Second: Rita DaSilva

In Favor: Gordon Carr, Gary Tondorf-Dick, Rita Da Silva, Kevin Ellis, Judith Sneath

Opposed: None

Ms. Wentworth described potential changes to two of the Zoning By-Laws related to the Floodplain Protection Overlay District Zoning and Site Plan Review including changes to the procedures, thresholds and approval criteria. She discussed research and the rationale for the proposed changes.

Chair Maguire stated the Zoning Board may want to look at whether there are any potential revisions related to home occupations and uses that alter the character of residential neighborhoods.

There was a brief discussion regarding Accessory Dwelling Units and the Master Plan.

Chair Maguire and Chair Ellis stated the Boards would move administrative items to the meeting of November 16th.

Zoning Board of Appeals Member Paul Healey moved to adjourn the Zoning Board of Appeals meeting at 9:05 p.m.

Second: Joseph Ruccio

In Favor: Paul Healey, Joseph Ruccio, Robyn Maguire

Opposed: None

Planning Board Chair Kevin Ellis moved to adjourn the Planning Board meeting at 9:05 p.m.

Second: Judith Sneath

In Favor: Rita Da Silva, Gary Tondorf-Dick, Judith Sneath, Gordon Carr, Kevin Ellis

Opposed: None

Respectfully submitted,

Tracy L. Altrich
Administrative Assistant, Community Planning